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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,)	
PLAINTIFF,)	
)	
Vs.)	
)	
MARCO RIVERA,)	
DEFENDANT.)	
_____)	Case # A03-109 CR (RRB/JDR)

MOTION TO DISMISS PREVIOUSLY FILED 2255 APPLICATION

COMES NOW MARCO RIVERA through undersigned counsel Lance C. Wells and hereby motions the court to dismiss with prejudice his client's previously filed Sec. 2255, as upon thorough review by counsel and discussions with defendant, there is no basis in law or fact to support the 2255 as originally filed or any amended 2255.

Dated this 9th day of March, 2006.

LAW OFFICES OF LANCE C. WELLS, P.C.

s/Lance C. Wells
Attorney for Defendant
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[PROPOSED] ORDER

It is so ordered. That 2255 originally filed is hereby dismissed with prejudice.

Dated: _____

US District Court Judge

Lance C. Wells
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Certificate of Service

On 3/9/06, a copy of this Motion to Dismiss and Proposed Order were served via electronic filing upon AUSA Joseph Bottini and M. Ahern at their addresses of record. A copy has also been mailed to Defendant Marco Rivera at his physical mailing address of record within the BOP.

Dated this 9th day of March, 2006.

LAW OFFICES OF LANCE C. WELLS, P.C.

s/Lance C. Wells
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Rivera Motion to Withdraw Sec. 2255 Application